

**RI/FS ORDER CHRONOLOGY
GULFCO MARINE MAINTENANCE SITE
FREEPORT, TX**

DATE	ITEM	COMMENTS
<u>7/14/2004</u>	<u>EPA Letter to Sequa</u>	<u>Special Notice Letter with attached AOC & SOW for an RI/FS.</u>
<u>7/14/2004</u>	<u>EPA Letter to Dow</u>	<u>Special Notice Letter with attached AOC & SOW for an RI/FS.</u>
<u>7/22/2004</u>	<u>EPA letter to LDL</u>	<u>Special Notice Letter with attached AOC & SOW for an RI/FS.</u>
9/24/04	Daniels (LDL) Letter to EPA	LDL is willing to finance & conduct an RI/FS consistent with EPA's SOW, but didn't provide a workplan since discussions were ongoing with other PRPs.
9/27/2004	T&K (Dow) letter to EPA	Dow committed to continue discussions concerning an RI/FS.
9/27/2004	Strasburger (Chromalloy) Letter to EPA	Chromalloy willing to negotiate with EPA to fund & participate in an RI/FS
<u>10/8/2004</u>	<u>EPA letter to PRPs</u>	<u>PRPs' Sept 2005 offers are not good faith offers & EPA will not extend the negotiation moratorium.</u>
10/14/2004	T&K (Dow) Letter to EPA	<ul style="list-style-type: none"> - Dow does not commit to perform an RI/FS, but is working to form a PRP group and to identify additional PRPs. - Asked for more time to negotiate an RI/FS since PRP group believed Site was not an immediate threat to health & environment.
<u>10/26/2004</u>	<u>EPA Letter to PRPs</u>	<ul style="list-style-type: none"> - <u>None of PRPs has given EPA a statement that they will conduct an RI/FS consistent with EPA's SOW.</u> - <u>Site is a risk to health & environment and EPA could not delay cleanup activities.</u> - <u>Therefore, EPA is considering other options to conduct an RI/FS.</u>
10/29/2004	Dow & Sequa Letter to EPA	Dow & Sequa agree to conduct the RI/FS assuming EPA, Dow & Sequa can negotiate a mutually acceptable SOW & AOC.
<u>11/4/2004</u>	<u>EPA Letter to PRPs</u>	<u>EPA acknowledged Dow's & Sequa's notice of intent to conduct the RI/FS, and their willingness to negotiate an AOC and SOW for the RI/FS.</u>

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<u>11/22/2004</u>	<u>EPA letter to PRPs</u>	<ul style="list-style-type: none"> - <u>Confirmed 12/3/2004 meeting regarding RI/FS</u> - <u>EPA originally invited Dow & Sequa to negotiate RI/FS in a 7/15/2004 Special Notice letter.</u> - <u>Noted Dow declined to comment on RI/FS SOW because they would draft an entirely new one.</u> - <u>EPA stated that a new RI/FS SOW need not be drafted, only a redraft of Task 2 to tailor it to the Site.</u> - <u>PRPs to provide a markup of AOC</u>
11/29/2004	PRPs letter to EPA	<ul style="list-style-type: none"> - PRPs sent to EPA their markup of the draft RI/FS AOC. - PRPs markup did not contain all changes in AOC the PRP Group intended to propose to EPA.
12/3/2004	EPA and PRPs Meeting	<ul style="list-style-type: none"> - Negotiation meeting. - PRPs proposed a removal action
12/20/2004	PRP Letter to EPA	PRPs provided to EPA documents they gave to TCEQ at Friday's meeting regarding the Site.
<u>12/22/2004</u>	<u>EPA Letter to PRPs</u>	<ul style="list-style-type: none"> - <u>EPA provides revised draft AOC after considering PRPs' recommended changes.</u> - <u>EPA expect negotiations to conclude by the end of January 2005.</u> - <u>EPA would like an PRP markup of SOW by mid-January.</u>
1/4/2005	EPA & PRP Conference Call	<ul style="list-style-type: none"> - Call scheduled to discuss revised draft AOC for the RI/FS. - Instead, PRPs discuss their desire to delete the Site from the NPL, or the possibility of conducting a removal. - EPA informed PRPs that deletion can only be done according to the NCP. - Informed PRPs that EPA would not discuss a removal action until negotiation of an AOC for an RI/FS was completed. - Informed PRPs that EPA was committed to having RI/FS conducted by liable parties. - PRPs offered to assign its contractors to begin looking at the SOW for the RI/FS & to review the revised AOC. - EPA expects negotiation of the AOC & SOW to be concluded by the end of 1/2005.
1/13/2005 (letter dated	EPA Letter to PRPs	Noted PRPs 9/27/04 letters did not commit to do an RI/FS & didn't provide markups of the RI/FS AOC & SOW.

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1/13/04 - typo)		
1/18/2005	PRPs Email to EPA	PRPs sent to EPA a markup of the draft AOC.
1/20/2005	EPA & PRP Meeting	RI/FS AOC negotiations meeting.
1/27/2005	PRPs' Letter to EPA	PRPs sent to EPA a markup of the draft RI/FS SOW.
<u>2/7/2005</u>	<u>EPA Letter to PRPs</u>	- <u>EPA considered PRPs' issues and provides a revised AOC.</u> - <u>EPA did not change RI/FS SOW.</u>
<u>2/10/2005</u>	<u>EPA Letter to PRPs</u>	<u>Documented 2/9/05 R6, EPA HQ, & PRPs conference call:</u> - <u>EPA R6 is willing to consider expedited cleanup proposals, but any such discussion must be preceded by a substantive proposal to complete Site cleanup.</u> - <u>R6 Div Director agrees to discuss PRPs' proposal on 2/16/05.</u> - <u>Considering PRP comments on the RI/FS SOW & EPA expectation that negotiations conclude by 1/31/2005, EPA believes further negotiations on RI/FS SOW would not be fruitful.</u> - <u>PRPs encouraged to sign the revised RI/FS AOC.</u>
<u>2/10/2005</u>	<u>EPA letter to TCEQ</u>	<u>Information copy & notice of UAO for RI/FS that EPA intends to issue to the PRPs.</u>
2/16/2005	PRPs and EPA Meeting	Meeting
<u>2/22/2005</u>	<u>EPA Email to PRPs</u>	- <u>Regarding 2/16/05 meeting, EPA reiterated the Div Directors statement that the deadline for signing an AOC for the RI/FS was on 2/16/2005.</u> - <u>Regarding PRP request to submit an alternative proposal to perform the RI/FS, any proposal submitted needs to contain:</u> - <u>Financial commitment.</u> - <u>Specific timeline for cleanup.</u> - <u>Stated cleanup goals.</u>
2/23/2005	PRPs Cleanup Proposal	- Proposal will allow work to be performed without using EPA's limited resources for oversight. - PRPs commit to achieve appropriate cleanup levels through

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		<p>the TX VCP.</p> <ul style="list-style-type: none"> - TCEQ is prepared to accept the Site into the TX VCP. - Cleanup actions proposed are: <ul style="list-style-type: none"> - Surface removal of tanks & contents. - Completion of the Draft Affected Property Report (APAR) within 180 days after effective date of agreement - Submittal of a Response Action Plan (RAP) within 60 days of TCEQ approval of APAR. - Completion of all response actions in accordance with time frame in the approved RAP. Expect this will not exceed 9 months. - Above cleanup would be completed in 2 years. - PRPs commit to preparing Site for productive reuse. - Proposed implementation under an agreement with PRPs, EPA, & TCEQ, including an exception to the VCP MOA. - Return Site to EPA for delisting once all appropriate response actions required under the VCP have been implemented.
2/23/2005	Sequa letter to EPA	<p>Financial Assurance:</p> <ul style="list-style-type: none"> - Certified annual stockholder report. - Sequa will cause Chromalloy to investigate & remediate Site as a PRP. - Sequa will cause Chromalloy to pay its share to investigate & remediate Site in accordance with TX VCP requirements. - Payment does not apply to any costs other than those above.
2/24/2005	Sequa Letter to EPA	Financial Assurance supporting documentation.
<u>2/28/05</u>	<u>EPA Email to PRPs</u>	<ul style="list-style-type: none"> - <u>PRPs' cleanup proposal of 2/23/05 under TX VCP does not provide sufficient detail to allow evaluation.</u> - <u>Mechanism is an AOC under appropriate State law between EPA and PRPs.</u> - <u>EPA needs PRPs' commitment to sign AOC to pay costs for investigation & cleanup so Site can be deleted from NPL.</u>
3/1/2005	Gov Perry Letter to EPA	Governor Perry requested EPA concurrence with addressing Site through the TX VCP.

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3/4/2005	PRPs Letter to EPA	<ul style="list-style-type: none"> - PRPs declined to commit to an AOC and SOW that was not provided. - PRPs commitment to cleanup Site under TX VCP is consistent with the Governor's request.
3/7/2005	PRPs meeting with EPA	PRPs met with EPA R6 Regional Administrator.
3/9/2005	PRPs Letter to EPA	<ul style="list-style-type: none"> - PRPs stated Mayor Greene directed PRPs to do a VCP approach at 3/7/05 meeting. - PRPs submitted outline of elements of an AOC to place Site in the TX VCP for investigation & cleanup. - The AOC would permit a specific exemption of MOA between R6 & TCEQ. - Proposed discussions on SOW begin immediately & concurrently with AOC negotiations.
<u>3/11/2005</u>	<u>EPA Letter to PRPs</u>	<ul style="list-style-type: none"> - <u>Noted that EPA and PRPs worked for 7 months to reach an AOC to conduct an RI/FS.</u> - <u>Noted that PRPs, on 2/23/05, as negotiations were wrapping up, proposed a 2 year cleanup under TX VCP.</u> - <u>EPA fully supports the TX VCP, an excellent program under appropriate circumstances.</u> - <u>MOU with TX negotiated under premise of not using VCP for NPL sites.</u> - <u>Assessment of using TX VCP for NPL sites not completed.</u> - <u>Assessment of using TX VCP for NPL sites being considered as a result of Gov Perry's request.</u> - <u>But, assessment of policy on NPL sites & TX VCP will take a considerable amount of time.</u> - <u>EPA disappointed on 3/4/2005 that PRPs declined to explore the AOC option under federal and appropriate State authority.</u> - <u>PRPs can still sign the AOC allowing investigation in less than 6 months and entire cleanup in 18 months, this is quicker than amending the VCP or drafting a new AOC for cleanup incorporating appropriate State law.</u>

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3/16/2005	PRP Letter to EPA	<ul style="list-style-type: none"> - PRPs dispute EPA letter received 3/11/05 that states TX VCP cannot be used to investigate and cleanup site. - PRPs state Mayor Greene elected to pursue using an AOC to refer Site to State for action under VCP.
3/18/2005	Sequa (PRP) letter to EPA	PRPs stated EPA R6 RA elected to use an AOC to refer Site to TX for action under VCP.
<u>3/24/2005</u>	<u>EPA letter to PRPs</u>	<u>Summarized EPA RA's requirements from 3/7/05 meeting for response actions, including:</u> <ul style="list-style-type: none"> - <u>EPA oversight of investigation & cleanup.</u> - <u>Public participation.</u> - <u>All appropriate response actions completed.</u> - <u>Response is consistent with other NPL actions.</u> <u>Noted TX VCP will not provide all assurances EPA needs for Site.</u>
4/1/2005	EPA meeting with PRPs	<ul style="list-style-type: none"> - PRPs presented to EPA a Conceptual Site Model and an outline of an investigation workplan. - PRPs promised to provide a removal and investigation SOW.
<u>4/13/2005</u>	<u>EPA letter to Governor Perry</u>	<u>EPA response to Gov Perry's letter of 3/1/2005:</u> <ul style="list-style-type: none"> - <u>Fed cleanup under AOC is quickest way to address site.</u> - <u>EPA requested from PRPs an outline of investigation and cleanup that will take into account:</u> <ul style="list-style-type: none"> - <u>EPA's oversight role.</u> - <u>Public participation.</u> - <u>All appropriate response actions are taken.</u> - <u>Cleanup consistent with other NPL actions.</u> - <u>Enclosed fact sheet.</u>
4/18/2005	PRP email to EPA	PRPs provided EPA a draft removal action SOW .
4/19/2005	EPA/PRP Conference Call	EPA provided draft removal SOW comments to PRPs.
4/28/2005	Citizen Email to EPA	Citizen inquired about progress on Site cleanup and a TAG to test the mud and crabs in the adjacent canal where he lives.
5/5/2005	PRP letter to EPA	<ul style="list-style-type: none"> - PRPs provided a revised draft removal SOW in response to EPA comments.

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		- PRPs provided a draft investigation SOW
<u>5/6/2005</u>	<u>EPA Letter to PRPs</u>	- <u>First step to cleanup is an investigation workplan.</u> - <u>Once a workplan is done, an AOC can be done.</u>
<u>5/11/2005</u>	<u>EPA Email to Citizen</u>	<u>Statement that canals should be sampled; and that sampling plan & who would do it are being worked out now so it may take some time.</u>
5/17/2005	EPA & PRP Meeting	EPA provided and discussed comments on draft investigation and removal SOWs with PRPs.
5/19/2005	EPA/PRP Conference Call	Discussion on investigation SOW.
<u>5/20/2005</u>	<u>EPA Email to PRPs</u>	<u>Provided answers to PRPs' questions regarding investigation SOW.</u>
6/5/2005	Citizen Email to EPA	- Inquired about the timing of sample analysis for mud in canals. - Inquired about placing a sign at the site because realtors do not tell buyers there is a superfund site so close.
6/6/2005	UAO	EPA transmitted UAO to PRPs.
<u>6/7/2005</u>	<u>EPA Email to PRPs</u>	- <u>Potential UAO conference is scheduled for 6/16/2005.</u> - <u>EPA is pursuing an UAO for the RI/FS. Respondent's technical person can meet with EPA technical person regarding an investigation plan.</u> - <u>Noted that Parker is not a Respondent to the UAO.</u>
6/13/2005	Strasburger Letter to EPA	- Strasburger unable to confirm that CT Corp received the UAO. - Noted conflicts between 5/23/05 UAO & EPA's 6/6/05 cover letter. - Chromalloy requests opportunity to confer regarding UAO.
6/13/2005	T&K (Dow) Letter to EPA	Request for conference.
6/13/2005	US F&W Letter to EPA	USFWS site visit report.
<u>6/17/2005</u>	<u>EPA Email to PRPs</u>	- <u>EPA provides PRPs with the draft AOC.</u> - <u>EPA & PRPs need to agree on the SOW before proceeding with negotiations.</u>

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		<ul style="list-style-type: none"> - <u>EPA waiting on PRPs submittal of a detailed SOW.</u> - <u>Once a mutually agreed SOW is made, discussion of the AOC can take place.</u>
6/17/2005	PRP Group & EPA Conference call	<p>EPA requirements:</p> <ul style="list-style-type: none"> - Detailed & complete documents. - EPA requires a relatively detailed workplan. - 100% agreement on SOW before doing an AOC. - If PRPs meets EPA's standards, then work can be done under the TX VCP, including SOW & AOC. - PRPs have to explicitly say they will do something - no loose ends. <p>PRP Comments:</p> <ul style="list-style-type: none"> - Don't need to front load workplan since, under VCP, there are opportunities for followup investigations.
6/17/2005	T&K (Dow) Letter to EPA	<ul style="list-style-type: none"> - Dow requests a conference on the UAO. - Dow does not waive ability to proceed on AOC & SOW negotiations involving referral to the TX VCP.
6/17/2005	Strasburger letter to EPA	Chromalloy requests opportunity to confer on the UAO.
<u>6/17/2005</u>	<u>EPA Letter to PRPs</u>	<u>Letter corrected discrepancy between 6/6/2005 cover letter and the UAO for RI/FS - the UAO is the superior document & the UAO procedures are requirements that must be followed when requesting an opportunity to confer conference.</u>
6/21/2005	Email from PRP consultant	Response to EPA comments & revised draft SOW for investigation & removal action.
<u>6/22/2005</u>	<u>EPA letter to PRPs</u>	<p><u>EPA response to PRPs 6/21/05 letter that provided a proposed work plan:</u></p> <ul style="list-style-type: none"> - <u>First cleanup step is a workplan, this is the biggest hurdle, once the workplan is agreed to, then an AOC can be tailored.</u> - <u>Noted EPA sent draft AOC to PRPs on 6/17/05.</u> - <u>Corrected PRPs statements that the R6 RA agreed to allow PRPs to use the TX VCP, instead R6 RA agreed to pursue the PRP proposal.</u> - <u>R6 RA provided four conditions to be met that have not been addressed to EPA's satisfaction, including:</u>

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		<ul style="list-style-type: none"> - <u>EPA oversight of investigation and cleanup.</u> - <u>Appropriate public participation.</u> - <u>Mechanism to insure all appropriate response actions taken.</u> - <u>Assurance that response is consistent with other NPL sites.</u> - <u>PRPs characterized workplan as being 97% to 99% of EPA's proposed requirement. EPA does not feel we can compromise on any requirements we have presented.</u> - <u>PRP proposal appears to rely on TRRP & VCP decision making. EPA does not agree that this is appropriate for investigation of an NPL site.</u> - <u>PRPs can use appropriate state authority only if methods, data quality, and end results meet or exceed results if NCP was followed.</u> - <u>EPA is concerned about level of oversight of on-site activities during investigation. PRPs response was that EPA would have oversight when the Site is proposed for delisting. EPA has continually advised PRPs that any agreement with no EPA oversight requires a firm commitment to the strictest data quality standards. EPA does not have this commitment.</u> - <u>PRP commitment to public participation is minimal. Public deserves a full & complete opportunity to participate and understand decisions that impact them.</u>
6/30/2005	Email from citizen	Message stating drums may be buried on-site.
6/30/2005	UAO Conference	PRPs discussed UAO and SOW requirements with EPA.
7/1/2005	Strasburger letter to EPA	<ul style="list-style-type: none"> - Unless EPA R6 RA sees an alternative, PRP group intends to do investigation under UAO working cooperatively with EPA. - PRPs asked consideration of, following investigation, referring Site to TCEQ for selection and performance of remedy under the TX VCP. - EPA letter dated 6/22/2005 contained a number of "significant misstatements."

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		- Claimed science not driving SOW & EPA draft AOC not consistent w/ RA's approach.
7/7/2005	PRP Submittal Regarding UAO Conference	<ul style="list-style-type: none"> - PRPs' challenges and arguments supporting the PRPs interpretation of the UAO. - PRPs intend to advise EPA of PRPs intent to comply w/ UAO.
<u>7/8/2005</u>	<u>EPA Letters to PRPs</u>	<u>Transmitted draft copy of CERCLA 106 conference summary prepared by the Regional Hearing Officer, asked for PRPs review/comment.</u>